



**STATE OF VERMONT
DEPARTMENT OF EDUCATION
120 State Street
Montpelier, VT 05620-2501**

To: Principals, Special Education Coordinators, Superintendents, Department
for Children & Families

From: Karen Edwards, Director of Student Support Services
Deborah Quackenbush, Coordinator, Interagency Workgroup

Date: January 28, 2008

Subject: Guidance for MOU Implementation

Field Memo: FM # 82-02

Guidance for MOU Implementation

When a child comes into custody or needs to transition from one living situation to another, there are many issues to consider. Educational continuity is an important consideration.

Vermont Law provides for students attending school according to the town school district in which they live, *however* alternative arrangements are possible under certain circumstances.

The longer a youth is in out-of-home care, the greater number of out-of-home placements he or she is likely to experience. Frequent changes in placements often yield to frequent changes in schools. Researchers suggest that it takes approximately 4-6 months for a child to recover academically after changing schools.

Furthermore, changing schools during high school diminishes the chances for graduation. The educational impact of every school change is significant. Each time youth enter a new school, they must adjust to different curricula, different expectations, new friends, and new teachers. Children in out-of-home care must simultaneously adjust to a new home environment and community. The school environment often plays an important role for children in out-of-home care by providing opportunities to develop positive relationships with supportive teachers, school-based counselors and classmates. These relationships often provide a measure of protection from the disruption and uncertainty associated with out-of-home placements.

The law for state placed students resides in Title 16 §1075, and title 16 §11

If the Student:

Lives outside the school district of either parent(s) residence, and not in a member union school district, and the team wants student to remain in home school- **caseworker asks home school board through superintendent- The attached document can be used to build the case as to why student should remain in the home school. The caseworker should make the request to the Superintendent of schools.**

Lives outside school district of parent(s) and the team wants the student to attend former school also not in school district of parent(s) residence-- if **both school administrators** agree it is in students best interests they can request that the **commissioner of education** grant an exception to educate the student in the former school. In that case, the school administrators could be given a copy of this document to assist them in writing a letter. The letter will need to indicate that the schools both agree it is in the student's educational best interests and why, what the plan will be, and how long the requested exception is for, and what the requested funding arrangement would be.

We have drafted examples to help illustrate how to provide educational continuity for students in custody consistent with the MOU, and Vermont statutes, as well as which funding provisions apply for each situation. It is important to understand the provisions before agreements are reached.

Family Services custodial student moves from home to foster home outside district of parents residence, team agrees home district is best educational interests:

When a student in Family Services custody is moved from home to a foster home outside their parents school district, and the team for the student agrees it is in the students best educational interest to remain in the home school district, the Family Services caseworker requests of the Superintendent for the home school district that the student remain in the home school district. Suggested questions to consider for enrollment decision making are at the end of this document.

If the school district agrees to keep the student, which we encourage school districts to do since national data support that it is in the educational best interests of students to have educational stability, the district would send a letter to the Commissioner of Education copied to the Interagency Coordinator requesting an alternative plan for the education of the student, and residency assignment under V.S.A. Title 16 §1075(b)(c) so that the LEA responsibility is clearly defined and the student can legitimately continue to be treated as a resident student for purposes of ADM, Child Count, Medicaid billing and special education formula reimbursement for the home school district.

Letters should contain the student's name, and the beginning and ending dates of the requested alternative plan and indicate agreement between the home school and the school district where the student is placed. The commissioner will only consider requests for the current school year since much can change from year to year.

Services eligible for reimbursement for these students are the same as for any other resident student. Schools are not eligible to receive "state-placed" reimbursement for their own students. (Parent(s) reside in their district)

Family Services custodial student moves from foster home outside the home district to home.

When a student moves from a foster home outside the parent(s) school district to home educational responsibility shifts immediately to the home school district. The option to remain in the school the student is attending is not available through the MOU as the student is not "state placed" when living at home, and "state-placed" funding can not be used to continue paying for education in another school district when the student resides at home. V.S.A. Title 16 §11(28)

For this reason Family Services workers planning moves home for students living outside their school district need to work very closely with the both home school district and the current school district to coordinate timing of the move so the student will not lose credit, and it is at a natural semester break, leading to a smoother more successful school transition. Judges may also need to be apprised when making decisions regarding custody that the educational implications can have a significant impact on the student's success.

"State-Placed" reimbursement ends when the student moves home as per V.S.A. Title 16 §11(28)(A) or (B)(iii).

Family Services custodial student moves from foster home outside parent(s) school district to foster home outside parents school district

When a student in Family Services custody is moved from a foster home outside either of their parent's school district to another foster home outside their parent's school district, and the team for the student agrees it's in the student's best interest to remain in the former school district, the Family Services caseworker in consultation with both school district requests continued placement at the former school.

If the school districts agree it is in the best educational interests of the student to remain in the former school district, the school that will seek continued state placed funding will send a request for an alternative plan for the education of the student to the commissioner of education, copied to the interagency coordinator.

Under Title 16 §1075 (c) the commissioner of education can agree to an alternative plan for the education of the student requested by the school districts, with the school districts assessment that it is in the students best educational interests the commissioner has indicated general agreement with such requests.

Specific requests still need to be made, so that the responsible LEA is clearly defined, for specific dates. This allows all of the “state placed” billing to continue as if the student was still residing in the district they are attending.

Transportation Clarification

Family Services has agreed in the MOU to provide transportation if necessary, however if there is existing transportation available that is appropriate for the student it should always be used before incurring new state costs.

A group of people representing Education: Nancy Thomas Washington Central S.U., DOE, Deb Quackenbush, Family Services: Shaun Donahue, Helen Neilentowski, Joan Rock, Mental Health Kathy Blakey , Field Services Don Mandelkorn and Cindy Miller, a parent and a youth are participating in a Casey Family Programs Breakthrough Series on Collaboration focused on Educational Continuity with the Barre District Family Services office. Below there is data reported by Joan Rock, the Barre District Office Resource Coordinator, as the result of the work of the collaborative. Joan and our colleagues in the group have been persistent in focusing on educating foster parents, caseworkers, and schools and on the importance of educational continuity and their role in assisting youth to achieve school stability. As a result of this important work:

- ⇒ There were 48 new custody entrants between March 1, 2007 and December 31, 2007 in the Barre District office
- ⇒ 44% of those new custody entrants were too young to attend school
- ⇒ 78% of the new custody entrants stayed in their school of origin
- ⇒ 48% of the new custody entrants who stayed in their school of origin needed and
- ⇒ received transportation
- ⇒ 100% of the new custody entrants who needed transportation to their school of origin received it
- ⇒ 100% of the new custody entrants who needed transportation to their school of origin received transportation by a resource parent

We learned that when resource parents are informed as either part of their initial or ongoing training of the importance of educational continuity they can make a real difference in educational continuity for youth by providing transportation.

A sub group of people working on the Casey Breakthrough Series on Educational Continuity created pages 1, and 4-5 of this document containing “Questions to Consider for Enrollment Decision Making” to guide caseworkers and team members in their thinking about each student’s individual situation.

Feel free to use the form if it is helpful to you.

Student Data:

Caseworker: _____ Date: _____

Student Name: _____ D.O.B.: _____ Grade: _____

Student resides with: _____ whose
 mailing address: _____
 (please include ZIP code)

This residence is in the town of: _____.

What is the hoped for length of stay? _____

What is type of living situation is the child transitioning from / to? _____
 (e.g.: home to foster care, foster care to pre-adoptive, etc.)

Name and TOWN OF RESIDENCE of primary parent/s:

Father's Name: _____

Mother's Name: _____

TOWN: _____

TOWN: _____

If appropriate, please write "deceased" or "parental rights terminated".Others agencies/parties involved with this student are:

Name: _____

Role: _____

Agency: _____

Daytime phone: _____

Name: _____

Role: _____

Agency: _____

Daytime phone: _____

Name: _____

Role: _____

Agency: _____

Daytime phone: _____

Does this student have an Individualized Education Plan (IEP)? ☐ Yes ☐ No

Educational Surrogate Name: _____

Address: _____

Daytime Phone Number: _____

Does this student have a 504 Plan? ☐ Yes ☐ No EST? ☐ Yes ☐ No

Educational disability, if applicable: _____

Questions to Consider:

What are the student's educational strengths? _____
(consider report card, student preferences, etc.)

What extracurricular strengths, interests & talents does the student have? _____

What are the student's educational needs? _____
(consider discipline records, attendance, IEP, etc.)

If this is a high school student, how many credits does he/she have toward graduation? _____

What are the student's social connections (home/school/community)? _____

How long was the student enrolled in the former school? _____

How will this decision effect credit attainment for high school students? _____

Is there an interagency team around the child to help inform the decision making process? ☐ Yes ☐ No

What is their recommendation? Act 264 or individual treatment team meetings
(circle one)

Are there safety issues that need to be addressed for the child or the community? ☐ Yes ☐ No

Is it feasible for a child of this age and developmental level to be transported back and forth to school daily? ☐ Yes ☐ No

If the child is on an IEP, what is the IEP team's recommendation? _____

Are there natural transition such as summer, elementary school to jr. high, jr. high to high school, school vacations occurring that could be used to created a planned transition? _____

Are there benefits to a fresh start for the student or his peers? _____

Matrix for Implementation of DOE-DCF MOU

	“State-placed” in both districts (parents don’t reside in either district)	“State-placed” where living/seeking enrollment in home district	“State-placed” in one district and then placed at home
Statutes that apply	Title 16 §1075 (b) (c) Commissioner agrees to an alternative plan for the education of the student when student is state placed in both current and former placements and school districts agree on best educational interest	Title 16 §1075 (b) (c) Home school board decides if student can attend commissioner can agree to alternative plan if home school requests one.	Title 16§ (11)28 Definition of “state-placed” students excludes students living at home. Title 16 §1075 (b) Pupil’s legal residence shall be determined by the board of school directors of the district the student seeks enrollment in, or seeks tuition payments from.
What needs to happen	Team including both school districts discusses what is in student’s best educational interests. If it is to stay in previous school district then school district serving the student, who will also be seeking reimbursement, requests an alternative plan for the education of the student to the Commissioner of Education, cc Interagency Coordinator	The team, including both school districts, discusses what is in student’s best educational interests. If it is attendance at the home school district a request is made to the Superintendent of Schools, by DCF Family Services worker.	Student needs to be enrolled in home school district. In most cases they will attend their own school. If home school district is willing to arrange for student to continue current school, or an exchange arrangement can be made the home school remains LEA. Commissioner of Education not involved, local decision, local funds.
Who is responsible to decide	If team agrees for student to remain in former school district, School district seeking continued state placed funding requests alternative plan for the education of the student , Commissioner of DOE- grants and assigns the district serving the child to be the LEA	Home school board decides if student can attend/ if yes request for alternative plan sent to Commissioner DOE and Interagency Coordinator/ Commissioner agrees to alternative plan, assigns home school district LEA allowing resident funding to flow If no, student attends school where they are living.	Home school district only.
Who is responsible to pay for education	School district serving the student-reimbursable under the usual state placed reimbursement, Commissioner agreement to an alternative plan for the education of the student and assignment of LEA allows “state-placed” funding to continue	Home school district as resident student, requests an alternative education plan sent to commissioner/ agrees to alternative plan, assigns home school district LEA allowing resident funding to flow If student is denied attendance at home school, student attends where living, state placed funding applies	Home school district only. If the district agrees to pay for the students continued attendance at another school district they are responsible for payment, if the school keeping the student requires payment (in some cases there maybe exchanges available between school districts available)
Who is responsible to pay for transportation	Family Services if no existing transportation can be utilized	Family Services if no existing transportation can be utilized	Family Services could assist with transportation if the student is still in custody, as part of the arrangement if the home school district agrees to continue a student in another school district until an appropriate transition time.